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Application No. 10/649,369

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REMARKS

The foregoing Amendment is filed in response to the official action dated January 11, 2006. Reconsideration is respectfully requested.

The status of the claims is as follows:

Claims 1-5, 7-8, and 10-42 are currently pending.

Claims 1-5, 7-8, and 10-42 stand rejected.

Claims 1, 17, 22-23, 33, 36, and 39-40 have been amended.

Claims 6 and 9 were canceled without prejudice in the Applicant's response filed November 14, 2005 to the first official action dated July 13, 2005. Claims 15-16, 35, and 38 have been canceled without prejudice in the foregoing Amendment.

The Examiner has rejected claims 1-5, 10-23, 33-36, and 38-39 under 35 U.S.C. 103(a) as being unpatentable over Armstrong (USP 4,472,994) in view of Fishman (USP 5,693,898) and Hudak (USP 5,731,535). Specifically, the official action indicates that the Armstrong reference teaches the preamplifier assembly of claim 1, with the exception that Armstrong does not expressly mention an integral battery holder. The official action further indicates that the Fishman reference teaches a control panel and a preamplifier assembly for an electric guitar that includes a battery holder integrated with the preamplifier assembly (see

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column 3, lines 26-38, and Figs. 3-5, of Fishman), and that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Armstrong as taught by Fishman (see column 3, lines 26-52, of Fishman) to rearrange the position of the battery holder to make the preamplifier assembly construction easier and the manufacture more effective.

The Applicant respectfully submits, however, that amended base claims 1, 23, and 33 and the claims dependent therefrom are not rendered obvious by the art of record, whether taken alone or in combination. For example, amended claim 1 recites a preamplifier assembly for a musical instrument that includes a housing having a face portion and an integral battery holder, and a cover for securely enclosing a battery within the battery holder, in which the cover is movably mounted on the face portion of the housing to allow the user to access the battery within the battery holder. Such a preamplifier assembly including an integral battery holder having a cover movably mounted on the face portion of the preamplifier assembly housing is described throughout the instant application, for example, see page 6, line 28, to page 7, line 11, of the application.

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The Armstrong reference discloses an electromagnetic transducer system for a stringed musical instrument that includes a battery compartment 84 and a closure or cover 94 for the battery compartment 84 (see column 5, lines 46-52, and Fig. 1, of Armstrong). The Applicant respectfully points out, however, that contrary to the assertion made on page 2 of the official action, the cover 94 is not movably mounted on the face portion of a preamplifier assembly housing to allow the user to access a battery within the battery holder, as recited in amended claim 1, but is instead secured to the body 12 of the musical instrument by screws 98 (see Fig. 1 of Armstrong). The Applicant respectfully submits that the cover 94 for the battery compartment 84 secured to the instrument body 12 by screws 98, as taught by Armstrong, is not suggestive of the cover for the battery holder movably mounted on the face portion of the preamplifier assembly housing, as recited in amended claim 1.

Although Fishman discloses a battery compartment (not numbered) that is integrated with the control panel assembly 2 (see Figs. 3-5 of Fishman), Fishman fails to disclose a cover for the battery compartment. In fact, instead of providing a cover movably mounted on the face portion of a preamplifier assembly housing to allow the user to access a battery within the battery

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holder, as recited in amended claim 1, the face plate of the control panel 2 of Fishman must be rotated to expose the underside of the control panel 2 and the battery compartment (see column 3, lines 38-43, and Figs. 3-5, of Fishman). Clearly, the Fishman reference fails to cure the deficiencies in the disclosure of the Armstrong reference, specifically, the lack of disclosure by Armstrong that would teach or suggest providing a cover for a battery holder movably mounted on the face portion of a preamplifier assembly housing to allow the user to access a battery within the battery holder, as recited in amended claim 1. Accordingly, even if the Armstrong and Fishman references were combined as suggested in the official action, the resulting combination would not render the subject matter of amended claim 1 obvious.

In addition, the official action indicates that Armstrong does not expressly mention an integral output connector directly attached to at least one printed circuit board (PCB) and mounted on the face portion of the preamplifier assembly housing to secure the PCB assembly within the housing, as recited in amended claim 1. The official action further indicates that the Hudak reference teaches a preamplifier including an integrated output connector mounted on the face portion of the preamplifier, and that it would

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have been obvious of one of ordinary skill in the art at the time of the invention to modify the invention of Armstrong as taught by Hudak to rearrange the position of the output connector to make the preamplifier assembly construction easier and the manufacture more effective.

The Applicant respectfully points out, however, that amended claim 1 recites that the preamplifier assembly comprises an integral output connector including an output jack operatively connected to preamplifier circuitry for providing an output signal, in which the output connector is directly attached to at least one printed circuit board and mounted on the face portion of the preamplifier assembly housing to secure the printed circuit board assembly within the housing, and in which the face portion of the housing is configured to provide a structural reinforcement for the output jack. Such a preamplifier assembly housing having a face portion that provides a structural reinforcement for an output jack is described throughout the instant application, for example, see page 4, lines 9-15, and Figs. 1-3, of the application.

In contrast, the Hudak reference discloses a circuit board 48 that is carried and supported by a part 50, which also serves as a female jack part for releasable connection with a cooperating male

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jack part (see column 3, line 61, to column 4, line 2, and Fig. 3, of Hudak). As shown in Fig. 3 of Hudak, the part 50 is not mounted on the face portion of the preamplifier assembly housing, as recited in amended claim 1, but is instead mounted on the bowl 14 of the body of the musical instrument, namely, the guitar (see Fig. 3 of Hudak). As further recited in amended claim 1, the face portion of the housing, upon which the output jack is mounted, is configured to provide a structural reinforcement for the output jack. Because the face portion of the housing functions as a structural reinforcement for the output jack, the need to provide separate reinforcements for low-cost output jack models is avoided (see page 4, lines 9-15, of the application). The Applicant respectfully submits that the Hudak reference fails to cure the deficiencies of the Armstrong reference since the part 50 (see Fig. 3 of Hudak) is mounted on the body of the guitar and is not mounted to the face portion of a preamplifier assembly housing, which, as described and claimed in the instant application, serves as a structural reinforcement for the output jack in the event low-cost output jack models are employed.

The Applicant further points out that neither Armstrong, Fishman, nor Hudak discloses an output jack that is mounted on the face portion of a preamplifier assembly housing at an opening

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formed through the face portion of the housing, as recited in amended claim 22. Instead, each of these references teaches mounting the output connector or jack on the body of the musical instrument (see column 4, lines 47-54, and Fig. 1, of Armstrong, specifically, "an output jack 80 which extends from the side of the body 12 of the guitar 10"; see column 2, lines 48-50, and Fig. 1, of Fishman, specifically, "the processing circuitry is also connected to an output jack 6 at the base of the guitar"; see Fig. 3 of Hudak, specifically, the part 50 shown attached to the bow 14 of the body of the guitar). Because the output jack disclosed in each of these references is mounted to the body of the musical instrument, a separate hole must be drilled through the instrument to accommodate the jack. As recited in claim 22, the output jack is mounted on the face portion of the preamplifier assembly housing at an opening formed through the face portion of the housing. As a result, there is no need to drill a separate hole through the instrument to accommodate the jack (see also page 4, lines 9-15, of the application).

Because the Armstrong, Fishman, and Hudak references neither teach nor suggest, whether taken alone or in combination, (1) a cover movably mounted on the face portion of a preamplifier assembly housing to allow the user to access a battery within an

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integral battery holder, and (2) an integral output connector including an output jack that is directly attached to at least one printed circuit board and is mounted on the face portion of the housing to secure the printed circuit board assembly within the housing and to provide a structural reinforcement for the output jack, as recited in amended claim 1, the Applicant respectfully submits that these cited references, taken alone or in combination, do not render amended claim 1 and the claims dependent therefrom obvious. More specifically, because the Armstrong, Fishman, and Hudak references neither teach nor suggest, whether taken alone or in combination, an output jack mounted on the face portion of a preamplifier assembly housing at an opening formed through the face portion of the housing, as recited in amended dependent claim 22, the Applicant respectfully submits that these references, taken alone or in combination, do not render amended claim 22 obvious.

In addition, for at least the reasons provided above with reference to amended claims 1 and 22, the Applicant respectfully submits that the Armstrong, Fishman, and Hudak references, whether taken alone or in combination, do not render amended base claims 23 and 33 (and claim 40) and the claims dependent therefrom obvious. Accordingly, it is respectfully submitted that the

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rejections of claims 1-5, 10-23, 33-36, and 38-39 under 35 U.S.C. 103 should be withdrawn.

The Examiner has rejected claims 7-8 and 31-32 under U.S.C. 103(a) as being unpatentable over Armstrong in view of Fishman and Hudak, as applied to claims 1 and 23 above, and further in view of Wechter (USP 4,351,217). The Applicant respectfully submits, however, that the Wechter reference fails to cure the deficiencies of the Armstrong, Fishman, and Hudak references, and therefore the suggested combination of the Armstrong, Fishman, Hudak, and Wechter references does not render claims 7-8 and 31-32 obvious. More specifically, the Armstrong, Fishman, Hudak, and Wechter references, whether taken alone or in combination, neither teach nor suggest (1) a cover movably mounted on the face portion of a preamplifier assembly housing to allow the user to access a battery within an integral battery holder, and (2) an integral output connector including an output jack that is directly attached to at least one printed circuit board and is mounted on the face portion of the housing to secure the printed circuit board assembly within the housing and to provide a structural reinforcement for the output jack, as recited in amended base claims 1 and 23, and (3) an integral output connector directly attached to a printed circuit board to be in registration with an

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opening formed through the face portion of the housing, as recited
in amended base claim 23. Accordingly, it is respectfully
submitted that these rejections of claims 7-8 and 31-32 under 35
U.S.C. 103 should be withdrawn.

The Examiner has rejected claims 24-30 under 35 U.S.C. 103(a)
as being unpatentable over Armstrong in view of Fishman and Hudak,
as applied to claim 23 above, and further in view of Soumi et al.
(USP 4,937,606). The Examiner has also rejected claim 37 under 35
U.S.C. 103(a) as being unpatentable over Armstrong in view of
Fishman and Hudak, as applied to claim 33 above, and further in
view of Kupnicki et al. (USP 6,283,778). The Applicant
respectfully submits, however, that the Soumi and Kupnicki
references fail to cure the deficiencies of the Armstrong,
Fishman, and Hudak references, and therefore the suggested
combinations of the Armstrong, Fishman, Hudak, Soumi, and Kupnicki
references do not render claims 24-30 obvious. More specifically,
the Armstrong, Fishman, Hudak, Soumi, and Kupnicki references,
whether taken alone or in combination, neither teach nor suggest
(1) a cover movably mounted on the face portion of a preamplifier
assembly housing to allow the user to access a battery within an
integral battery holder, and (2) an integral output connector
including an output jack that is directly attached to at least one

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printed circuit board and is mounted on the face portion of the housing to secure the printed circuit board assembly within the housing and to provide a structural reinforcement for the output jack, as recited in base claims 23 and 33. Accordingly, it is respectfully submitted that these rejections of claims 24-30 and 37 under 35 U.S.C. 103 should be withdrawn.

The Examiner has rejected claim 40 under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Hudak and Wechter. The Examiner has also rejected claim 41 under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Hudak and Wechter, as applied to claim 40 above, and further in view of Loar (USP 2,020,842). In addition, the Examiner has rejected claim 42 under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Hudak and Wechter, as applied to claim 40 above, and further in view of Fishman. The Applicant respectfully submits, however, that like the Fishman, Hudak, and Wechter references, the Loar reference fails to cure the deficiencies in the disclosure of the Armstrong reference, and therefore the Armstrong, Hudak, Fishman, Wechter, and Loar references, whether taken alone or in combination, do not render claims 40-42 obvious. More specifically, the Armstrong, Hudak, Fishman, Wechter, and Loar references, taken alone or in combination, neither teach nor

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suggest (1) a cover movably mounted on the face portion of a preamplifier assembly housing to allow the user to access a battery within an integral battery holder, and (2) an integral output connector including an output jack that is directly attached to at least one printed circuit board and is mounted on the face portion of the housing to secure the printed circuit board assembly within the housing and to provide a structural reinforcement for the output jack, as recited in base claim 40. Accordingly, it is respectfully submitted that these rejections of claims 40-42 under 35 U.S.C. 103 should be withdrawn.

In view of the foregoing, it is respectfully submitted that the present application is placed in a condition for allowance. Early and favorable action is respectfully requested.

The Examiner is encouraged to telephone the undersigned Attorney to discuss any matter that would expedite allowance of

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the present application.

Respectfully submitted,

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